

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION NO.759 OF 1982

THE HON'BLE MR. JUSTICE Y.B. BHATT:

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1. Whether Reporters of Local Papers may be allowed to see the judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Appearance:

Mr. K.V. Shelat, advocate for the petitioner.

Mr. N.D. Nanavati, advocate for the respondent.

CORAM: Y.B. BHATT J.

Date of Decision: 14-12-1995

JUDGEMENT

1. The is a revision under section 29(2) of the Bombay Rent Act (hereinafter referred to as 'the said Act'), filed by the original defendant-tenant, wherein the respondent is the original plaintiff-landlord.
2. The landlord had filed a suit for eviction of the tenant on the ground that the defendant-tenant was in arrears

of rent for more than six months and has neglected to pay the same. The trial court passed a decree in favour of the landlord and directed the defendant to handover possession of the suit premises.

3. The defendant-tenant thereupon preferred an appeal under section 29(1) of the said Act, which was also dismissed. The petitioner-tenant has, therefore, preferred the present revision.

4. I have heard the learned counsel for the respective parties on the merits of the matter keeping in mind the limited jurisdiction of this court under section 29(2) of the said Act. As a result of the hearing the learned counsel for the petitioner has confined his submission to grant of time to the petitioner-tenant to vacate the premises. In this context he further submitted that even the lower appellate court had taken into consideration the pitiable condition of the tenant and had granted three years' time to find alternative accommodation. In this context learned counsel for the petitioner seeks time to vacate the premises in question upto 31st December 2000. On the facts and circumstances of the case it appears to me that the request is reasonable and deserves to be granted. This request on behalf of the petitioner could not be resisted by learned counsel for the respondent on any substantial ground.

5. In the premises aforesaid, the petitioner-tenant is granted time to vacate the suit premises upto 31st December 2000, subject to the condition that he files an undertaking in this court on usual terms latest by 31st January 1996. It is clarified that in case such undertaking is not filed by the due date or in case of breach of any of the terms and conditions contained in the said undertaking, the decree shall become executable forthwith.

6. Subject to the aforesaid directions the present revision is rejected. Rule is discharged with no order as to costs. Ad interim relief vacated.
